

Message


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**From:** Clark, Jacqueline [clark.jacqueline@epa.gov]  
**Sent:** 2/10/2020 1:45:56 PM  
**To:** Speir, Jeffrey [speir.jeffrey@epa.gov]; Reinhart, Roger [Reinhart.Roger@epa.gov]  
**CC:** Collins, Charlie [collins.charlie@epa.gov]  
**Subject:** RE: AFFF Litigation: DOJ ques. re: SDWA

Hi Jeff – Others in HQs reached out with DOJ last week – I'll forward you the latest.

Sincerely,

***Jacqueline Clark***

Jacqueline Clark  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region 5 – Chicago  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
312-353-4191 (direct)  
[clark.jacqueline@epa.gov](mailto:clark.jacqueline@epa.gov)  
 United States  
Environmental Protection  
Agency

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**From:** Speir, Jeffrey <speir.jeffrey@epa.gov>  
**Sent:** Friday, February 07, 2020 1:54 PM  
**To:** Clark, Jacqueline <clark.jacqueline@epa.gov>; Reinhart, Roger <Reinhart.Roger@epa.gov>  
**Cc:** Collins, Charlie <collins.charlie@epa.gov>  
**Subject:** RE: AFFF Litigation: DOJ ques. re: SDWA

Just checking in on the status of this inquiry. Please let me know if there is a link to a SharePoint site—which would be great!

Jeffrey Speir, Attorney-Adviser  
U.S. Environmental Protection Agency  
OECA – OCE – Water Enforcement Division  
(202) 564-0872

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**From:** Clark, Jacqueline <[clark.jacqueline@epa.gov](mailto:clark.jacqueline@epa.gov)>  
**Sent:** Thursday, January 30, 2020 5:26 PM  
**To:** Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)>; Reinhart, Roger <[Reinhart.Roger@epa.gov](mailto:Reinhart.Roger@epa.gov)>  
**Cc:** Collins, Charlie <[collins.charlie@epa.gov](mailto:collins.charlie@epa.gov)>  
**Subject:** Re: AFFF Litigation: DOJ ques. re: SDWA

I believe the ARs are all available on a sharepoint site. I will take a look tomorrow to confirm.

***Jacqueline Clark***

Jacqueline Clark  
Associate Regional Counsel

Office of Regional Counsel  
U.S. EPA, Region 5 – Chicago  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
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**From:** Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)>  
**Sent:** Thursday, January 30, 2020 4:01 PM  
**To:** Clark, Jacqueline <[clark.jacqueline@epa.gov](mailto:clark.jacqueline@epa.gov)>; Reinhart, Roger <[Reinhart.Roger@epa.gov](mailto:Reinhart.Roger@epa.gov)>  
**Cc:** Collins, Charlie <[collins.charlie@epa.gov](mailto:collins.charlie@epa.gov)>  
**Subject:** FW: AFFF Litigation: DOJ ques. re: SDWA

Hi, Jacquie and Roger:

I have received a request from DOJ (through OGC and OW) for the administrative records that supported the Washington Works SDWA 1431 orders. I thought you two would be most knowledgeable about how to proceed. So, I have a couple questions: (1) Is it even possible to gather and send the administrative records to DOJ? (2) If so, how can I assist with doing that?

I don't think the DOJ requester knows how potentially complex this ask is—so if it's not doable, please let me know.

Thank you!

-Jeff

Jeffrey Speir, Attorney-Adviser  
U.S. Environmental Protection Agency  
OECA – OCE – Water Enforcement Division  
(202) 564-0872

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**From:** Speir, Jeffrey  
**Sent:** Wednesday, January 29, 2020 11:39 AM  
**To:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Albert, Ryan <[Albert.Ryan@epa.gov](mailto:Albert.Ryan@epa.gov)>; Pollins, Mark <[Pollins.Mark@epa.gov](mailto:Pollins.Mark@epa.gov)>;  
Rodgers-Jenkins, Crystal <[Rodgers-Jenkins.Crystal@epa.gov](mailto:Rodgers-Jenkins.Crystal@epa.gov)>  
**Subject:** RE: AFFF Litigation: DOJ ques. re: SDWA

The remaining three orders are attached (they are also online). I will work with colleagues in OECA and Regions 3 and 5 to look for the records.

Jeffrey Speir, Attorney-Adviser  
U.S. Environmental Protection Agency  
OECA – OCE – Water Enforcement Division  
(202) 564-0872

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**From:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Sent:** Wednesday, January 29, 2020 10:59 AM

**To:** Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)>

**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Albert, Ryan <[Albert.Ryan@epa.gov](mailto:Albert.Ryan@epa.gov)>; Pollins, Mark <[Pollins.Mark@epa.gov](mailto:Pollins.Mark@epa.gov)>;  
Rodgers-Jenkins, Crystal <[Rodgers-Jenkins.Crystal@epa.gov](mailto:Rodgers-Jenkins.Crystal@epa.gov)>

**Subject:** Re: AFFF Litigation: DOJ ques. re: SDWA

I've heard back from DOJ and they would like the records in support and other orders - thank you!

Karyn Wendelowski  
Office of General Counsel  
(202)564-5493

On Jan 28, 2020, at 3:46 PM, Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)> wrote:

Yes, Ava is right. The 2002 SDWA 1431 Order is attached. There have been three other SDWA 1431 Orders issued for the same contamination from the same facility since 2002. I do not have immediate access to the records that supported the orders; I would have to ask around in OECA and Regions 3 and 5.

Jeffrey Speir, Attorney-Adviser  
U.S. Environmental Protection Agency  
OECA – OCE – Water Enforcement Division  
(202) 564-0872

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**From:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>  
**Sent:** Tuesday, January 28, 2020 3:34 PM  
**To:** Albert, Ryan <[Albert.Ryan@epa.gov](mailto:Albert.Ryan@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Cc:** Pollins, Mark <[Pollins.Mark@epa.gov](mailto:Pollins.Mark@epa.gov)>; Rodgers-Jenkins, Crystal <[Rodgers-Jenkins.Crystal@epa.gov](mailto:Rodgers-Jenkins.Crystal@epa.gov)>;  
Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)>  
**Subject:** RE: AFFF Litigation: DOJ ques. re: SDWA

Hi Ryan, Karyn,

I think Jeff Speir, from Mark's shop, may be the correct person. I've included him here.

From what I have seen, the earliest 1431 order we have issued to DuPont is from 2002 (not 2000). Perhaps that was a typo.

Ava

Ava Azad  
Attorney-Advisor  
Federal Facilities Enforcement Office, 2209B  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW (MC 2261A)  
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**From:** Albert, Ryan <[Albert.Ryan@epa.gov](mailto:Albert.Ryan@epa.gov)>  
**Sent:** Tuesday, January 28, 2020 3:16 PM  
**To:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Cc:** Azad, Ava <[Azad.Ava@epa.gov](mailto:Azad.Ava@epa.gov)>; Pollins, Mark <[Pollins.Mark@epa.gov](mailto:Pollins.Mark@epa.gov)>; Rodgers-Jenkins, Crystal <[Rodgers-Jenkins.Crystal@epa.gov](mailto:Rodgers-Jenkins.Crystal@epa.gov)>  
**Subject:** RE: AFFF Litigation: DOJ ques. re: SDWA

Hi Karyn,

I'm not specifically sure who would be the point person. By way of this email, I'm looping in one of our OECA PFAS-specific contacts, Ava Azad, and also looping in Mark Pollins, whose shop is responsible for 1431 orders. Ava or Mark – do either of you have a sense who the contact person is in either OECA or Region 3 on the 1431 enforcement order below?

Best regards,  
Ryan

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**From:** Rodgers-Jenkins, Crystal <[Rodgers-Jenkins.Crystal@epa.gov](mailto:Rodgers-Jenkins.Crystal@epa.gov)>  
**Sent:** Tuesday, January 28, 2020 1:32 PM  
**To:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Cc:** Albert, Ryan <[Albert.Ryan@epa.gov](mailto:Albert.Ryan@epa.gov)>  
**Subject:** RE: AFFF Litigation: DOJ ques. re: SDWA

Hi Karyn,

My guess is the direct POC would be someone in Region 3. However, I am looping in Ryan who will likely be able to provide you with more specifics on this.

Take care,  
Crystal Rodgers-Jenkins  
Deputy Director  
Standards and Risk Management Division  
Office of Ground Water and Drinking Water  
Office of Water  
U.S. EPA  
202.564.5275 tel

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**From:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Sent:** Tuesday, January 28, 2020 1:16 PM  
**To:** Rodgers-Jenkins, Crystal <[Rodgers-Jenkins.Crystal@epa.gov](mailto:Rodgers-Jenkins.Crystal@epa.gov)>  
**Subject:** FW: AFFF Litigation: DOJ ques. re: SDWA

Hi Crystal – Could you take a look at the description a PFAS-related 1451 emergency order in 2000. DOJ would like to know more about it – are you the right person to ask? And if not, do you have a suggestion of who I should talk to?

Thanks!

Karyn

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

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**From:** Wakefield, Benjamin J. <[wakefield.benjamin@epa.gov](mailto:wakefield.benjamin@epa.gov)>  
**Sent:** Tuesday, January 28, 2020 11:25 AM  
**To:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Cc:** Hall, Frederick G. (CIV) <[Frederick.G.Hall@usdoj.gov](mailto:Frederick.G.Hall@usdoj.gov)>; Johnson, SusanA <[Johnson.SusanA@epa.gov](mailto:Johnson.SusanA@epa.gov)>; Kaczmarek, Chris <[Kaczmarek.Chris@epa.gov](mailto:Kaczmarek.Chris@epa.gov)>  
**Subject:** AFFF Litigation: DOJ ques. re: SDWA

Hi Karyn,

Please see Fred's question in the email immediately below. I think this would be in your wheel-house.

Thanks.

- Ben

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**From:** Hall, Frederick G. (CIV) <[Frederick.G.Hall@usdoj.gov](mailto:Frederick.G.Hall@usdoj.gov)>  
**Sent:** Tuesday, January 28, 2020 11:18 AM  
**To:** Wakefield, Benjamin J. <[wakefield.benjamin@epa.gov](mailto:wakefield.benjamin@epa.gov)>  
**Subject:** RE: ChemView Tutorial

Ben,

Everyone was having connectivity problems, so Hannah gave me quick overview of Chemview on the phone, and I will play around with it when it comes back online. And if I have any questions, I will reach out to Hannah.

One new thing has popped onto our radar. Chris was interviewing an NIH scientist yesterday who used to work at EPA. Apparently, EPA filed a case around 2000 to secure clean drinking water for the area around the DuPont Parkersburg, WV plant (subject of the Dark Water film) over PFAS in the water. Apparently a Lourdes Bufill filed a SDWA 1451 emergency order case, which was successful. As part of that case, there were at least one EPA scientist report.

Do you think you (or Karyn? Is that her client office?) could help us track down any files at EPA related to that case, including any reports, declarations, transcripts, and orders?

Frederick

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**From:** Wakefield, Benjamin J. <[wakefield.benjamin@epa.gov](mailto:wakefield.benjamin@epa.gov)>  
**Sent:** Tuesday, January 28, 2020 11:02 AM  
**To:** Blaufuss, Hannah <[Blaufuss.Hannah@epa.gov](mailto:Blaufuss.Hannah@epa.gov)>; Clark, Sarah E. <[clark.sarahe@epa.gov](mailto:clark.sarahe@epa.gov)>; Hall, Frederick G. (CIV) <[fhall@CIV.USDOJ.GOV](mailto:fhall@CIV.USDOJ.GOV)>  
**Subject:** RE: ChemView Tutorial

My apologies – I have a conflict that just came up – I’m going to be somewhat late. Please go ahead without me.

- Ben

-----Original Appointment-----

**From:** Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>

**Sent:** Friday, January 24, 2020 8:52 AM

**To:** Blaufuss, Hannah; Wakefield, Benjamin J.; Clark, Sarah E.; Hall, Frederick G. (CIV)

**Subject:** ChemView Tutorial

**When:** Tuesday, January 28, 2020 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** WJC East 4828B (Enter 4318 Door, 2nd door on left is conference room)

ChemView tutorial for Fredrick Hall and Benjamin Wakefield.

Join Skype Meeting

## Ex. 6 Personal Privacy (PP)

Thank you,

**Hannah Blaufuss, MHS**

*Environmental Protection Specialist*

U.S. EPA Office of Pollution Prevention and Toxics

Chemical Control Division

Phone: (202) 564-5614

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<2002-03-04 R3, R5 SDWA 1431 DuPont 1431.pdf>